

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JASON ZIMMERMAN, on behalf of himself)	
and all others similarly situated,)	Civil Action No. 7:09-cv-04602
)	
Plaintiff,)	
)	
-against-)	
)	
PORTFOLIO RECOVERY)	
ASSOCIATES, LLC,)	
)	
Defendant.)	

DECLARATION OF SERGEI LEMBERG
IN OPPOSITION TO DEFENDANT’S MOTION FOR RECONSIDERATION
OF CLASS CERTIFICATION

I, **SERGEI LEMBERG**, declare as true the following subject to penalty of perjury:

1. I and my firm represent the Plaintiff Jason Zimmerman in this matter and I am class counsel to the class of similarly situated consumers certified by this Court in its September 15, 2011, certification order.
2. I have personal knowledge as to the matters set forth in this declaration.
3. Attached as Exhibits A are true and accurate copies of PRA’s responses to Plaintiff’s requests for admissions.
4. Attached as Exhibit B is a true and accurate copy of Plaintiff’s Fed. R. Civ. P. 36 request for admissions served on PRA.
5. Attached as Exhibit C is copy of PRA, Inc.’s, 10-k submitted to the SEC for fiscal year 2011 available at <http://www.sec.gov/Archives/edgar/data/1185348/000119312512085257/d259924d10k.htm>.
6. The Class Notice and Claim Form were dispersed by the class action administrator, First Class, Inc. of Chicago Illinois on February 20, 2012.

7. First Class, Inc., forward to counsel of record responses to the Notice.
8. Four individuals requested to be excluded.
9. Twenty-two individuals have submitted claim forms indicating that the debt at issue was personal in nature or not otherwise a business debt. Among these, ten individuals have submitted supplement forms to class counsel confirming that their debts were personal in nature, including three that submitted supplemental forms after Plaintiff's motion for damages was filed.¹ These were supplied to PRA's counsel on June 29, 2012. These twenty-two responses with the supplement responses are attached as Exhibit D.
10. In total, there are:
 - a. Four clear requests to be excluded;
 - b. Twenty-two responses showing the debt was personal in nature and not business oriented; and
 - c. Several other responses where intent to be included cannot be inferred or the class member did not identify the debt was personal and have not supplied a supplemental statement.
11. The unredacted claim forms contain the various class members' addresses.
12. The Plaintiff Mr. Zimmerman and the 22 class members that have submitted the claims forms attached Exhibit D reside in all corners of New York State and two reside in Florida.

Below, are the class members, their city, county and corresponding Federal District:

Name	City	County	Fed. District
L.Panarella	Amherst, NY	Erie	W.D.N.Y.
C.Thomas	Buffalo, NY	Erie	W.D.N.Y.
E.Moore	Buffalo, NY	Erie	W.D.N.Y.

¹ Individuals that have submitted supplemental forms are E.Moore; J.Morrison; L.Cox; S.Schatt; G.Burgos; S.Ford & N.Brown. The three that submitted supplemental forms after Plaintiff's motion for damages was filed are L.Panarella, B.Jones & C.Thomas.

H.Swygert	Buffalo, NY	Erie	W.D.N.Y.
L.Cathcart	Buffalo, NY	Erie	W.D.N.Y.
J.Simmons	Rochester, NY	Monroe	W.D.N.Y.
B.Jones	Rochester, NY	Monroe	W.D.N.Y.
J. Kane	Bolivar, NY	Allegany	W.D.N.Y.
R.Tortorici	Darien Center, NY	Genesee	W.D.N.Y.
I.Kavulich	Owego, NY	Tioga	N.D.N.Y.
J.Hinkley	Vermontville, NY	Franklin	N.D.N.Y.
J.Smith	Endicott, NY	Broome	N.D.N.Y.
L.Judson	Highland, NY	Ulster	N.D.N.Y.
J.Johnson	Middletown, NY	Orange	S.D.N.Y.
J.Morrison	Fishkill, NY	Dutchess	S.D.N.Y.
G.Burgos	Bronx, NY	Bronx	S.D.N.Y.
L.Cox	Bronx, NY	Bronx	S.D.N.Y.
J.Zimmerman	Glen Spey, NY	Sullivan	S.D.N.Y.
N.Brown	St. Albans, NY	Queens	E.D.N.Y.
J.Spencer	Selden, NY	Suffolk	E.D.N.Y.
S.Ford	Freeport, NY	Nassau	E.D.N.Y.
T.Mundell	Bartow, FL	Polk	M.D. Fla.
S.Schatt	Coral Springs, FL	Broward	S.D. Fla.

13. Claimants reside in each of New York's Federal Districts: nine in the Western District, four in the Northern District, five in the Southern District, and three in the Eastern District. They also reside in Florida's Northern and Southern Federal Districts.

Dated: July 12, 2012

Respectfully submitted,

By /s/ Sergei Lemberg
Sergei Lemberg
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Counsel to Plaintiff and the Class

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on July 12, 2012, a copy of the foregoing was filed with the Clerk of the Court via the CM/ECF system which sent notice of such filing to the following:

Don Maurice, Esq.
Maurice & Needleman, P.C.
5 Walter E. Foran Blvd., Suite 2007
Flemington, NJ 08822
Attorneys for Defendant

/s/ Sergei Lemberg
Sergei Lemberg